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Attorney for Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania

Hearing Date: **October 19, 2022,**
at 11:00 am in Courtroom 4,
United States Bankruptcy Court,
900 Market Street, Philadelphia,
PA 19107

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

James B. Wall

Debtor(s)

Chapter 13 Proceeding

22-11438 AMC

**MOTION OF CITIZENS BANK, N.A. S/B/M TO CITIZENS BANK OF
PENNSYLVANIA FOR RELIEF OF FROM THE AUTOMATIC STAY**

AND NOW, comes secured Creditor, Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania (Movant) by and through its counsel, Mary F. Kennedy, and files this Motion to obtain an order for Relief from the Automatic Stay due to debtor(s)' failure to provide Movant with adequate protection of its interest in the property which is the basis of the creditor's security.

1. On or about June 3, 2022, Debtor(s) filed a Chapter 13 Bankruptcy Petition.
2. On September 28, 2016, the debtor executed a Mortgage and Note to Movant and or Movant's assignor in the amount of \$93,500.00 and secured by the property located at 310 Robbins Street, Philadelphia, PA 19111, referred to as the "property." Said Mortgage was recorded on October 25, 2016 in the Philadelphia County Recorder of Deeds Office at instrument no. 53128966. (See Exhibit "A" attached).
3. The debtor is presently in arrears post-petition for three (3) months, July 3, 2022 to September 3, 2022. The total arrears including \$1,238.00 for attorney fees and costs is \$4,043.10.
4. Movant wishes to have the automatic stay terminated to permit Movant to complete foreclosure on its mortgage.

5. Pursuant to 11 U.S.C.A. section 362 (d) (1), Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania is not adequately protected and will suffer irreparable injury, harm and damage if relief from the stay is not granted.

WHEREFORE, Movant respectfully requests this Honorable Court ORDER:

That Relief from the Automatic Stay be granted to Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy Law. That the relief granted by the Court will survive the conversion of this bankruptcy case to a case under any other Chapter of the Bankruptcy Code. And that bankruptcy Rule 4001(a)(3) is not applicable, and Movant is allowed to immediately proceed with foreclosure and all other relief available under the non-Bankruptcy law. Furthermore, Movant respectfully requests that reasonable attorney fees and costs associated with this Motion be awarded to Movant.

RESPECTFULLY SUBMITTED,

/s/ MARY F. KENNEDY, ESQ.

Dated: September 27, 2022